

Notice of Allowability

Application No.

09/589,777

Examiner

MISOOK YU, Ph.D.

Applicant(s)

SUKHATME, VIKAS P.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/18/2004.
2. ☒ The allowed claim(s) is/are 2,11,13-15 and 36.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

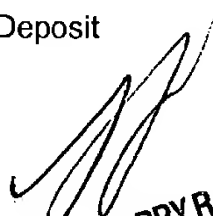
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 9/11/2001.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other See Continuation Sheet.


LARRY R. HELMS, PH.D.
PRIMARY EXAMINER

Misook Yu, 9/15/04

EXAMINER'S AMENDMENT

Applicant's submission on 08/18/04 obviated all rejection of record. It is noted that applicant's submission filed on 8/30/04 is not timely, therefore the submission filed on 8/30/04 is not entered.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Micelle Deng on 09/14/04.

The application has been amended as follows:

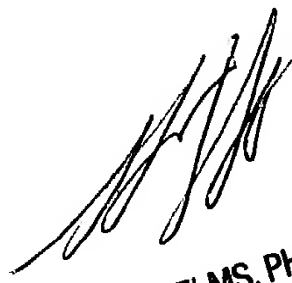
See attached page 4 (Listing of the Claims). All the allowed claims are listed at page 4. This examiner's amendment corrects the non-compliant after-final amendment filed on 8/18/04, and also inserting amino acids 1-175 in line 2 of claim 2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISOOK YU, Ph.D. whose telephone number is 571-272-0839. The examiner can normally be reached on 8 A.M. to 5:30 P.M., every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C Siew can be reached on 571-272-0787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MISOOK YU, Ph.D.
Examiner
Art Unit 1642



LARRY R. HELMS, PH.D.
PRIMARY EXAMINER

Listing of The Claims:

Claim 1 (Cancelled).

- 1* ~~1~~. (Currently amended) An isolated polypeptide comprising the amino acid sequence amino acids 1-175 of which comprises residues 168-175 and a deletion mutation of an endostatin protein of SEQ ID NO:2, wherein the deletion mutation consists of a deletion of nine consecutive amino acids from the C-terminus of the endostatin protein said isolated polypeptide does not contain the amino acid sequence set forth in SEQ ID NO:25, and wherein the isolated polypeptide has anti-angiogenic activity.

Claims 3-10 (Cancelled).

- 2* ~~11~~. (Previously amended) A fusion protein, comprising the isolated polypeptide of Claim ~~1~~ *1*

Claims 12 (Cancelled).

- 3* ~~13~~. (Previously amended) A composition comprising, as a biologically active ingredient, the polypeptide of Claim ~~1~~ *1*

- 4* ~~14~~. (Previously amended) The composition of Claim ~~13~~ *3*, and a pharmaceutically compatible carrier.

- 5* ~~15~~. (Original) A composition comprising, as a biologically active ingredient, the fusion protein of Claim ~~11~~ *2*

Claims 16-35 (Cancelled).

- 6* ~~36~~. (Currently Allowed) A protein consisting of amino acids 1-175 of SEQ ID NO:2.